

AMHERST TOWN WARRANT
The State of New Hampshire
March 9, 2010

To the inhabitants of the Town of Amherst in the County of Hillsborough and State of New Hampshire, qualified to vote in town affairs:

You are hereby notified that the Annual Meeting of the Town of Amherst will be held, in accordance with "Senate Bill 2" (NHRSA 40:13). The first session, to transact all business other than voting, is on Wednesday, February 3, 2010 at 7:00 PM at the Souhegan High School Auditorium. The second session, voting by official ballot at the polls is on Tuesday, March 9, 2010 at the Souhegan High School from 6:00 AM to 8:00 PM.

Article 21: To choose all necessary Town Officers for the ensuing terms as follows:

- 2 Selectmen for 3 Years
- 1 Town Moderator for 2 Years
- 1 Supervisor of the Checklist for 6 Years
- 3 Library Trustees for 3 Years
- 1 Zoning Board of Adjustment Member for 3 Years
- 1 Trustee of the Trust Funds for 3 Years
- 1 Cemetery Trustee for 3 Years

Article 22: Road Reconstruction Bond

To see if the Town will vote to raise and appropriate the sum of fifteen million dollars (\$15,000,000) (Gross Budget) to reconstruct approximately twenty-three miles of roads deemed in need of reconstruction as more particularly identified on the 2010 Proposed Road Reconstruction List derived from the Road Management Study of 2009, which list is dated January 11, 2010 and to authorize the issuance of bonds or notes therefore of not more than fifteen million dollars (\$15,000,000) in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon and other conditions of the bonds or notes in their judgment, it being further understood that said bonding authority shall be on the condition that the Selectmen shall NOT issue or negotiate bonds or notes for this appropriation in any given year for more than four million (\$4,000,000), it being contemplated that the overall bonding authority will not lapse until the project is completed but that the project will be completed in annual increments, borrowing for which shall not exceed four million in any given year, and to take all other action relative thereto. This is a special Article in accordance with RSA 32. 3/5 Ballot Vote Required *(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)*

This article has an estimated tax impact of \$0.23.

Article 23: Open Space Land Bond

To see if the Town will vote to raise and appropriate the sum of three million dollars (\$3,000,000) for the purchase of open space lands or other property interests as

determined by the Selectmen and to authorize the issuance of bonds or notes therefore of not more than three million dollars (\$3,000,000) in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; and, further, that the amount raised and appropriated herein may be used to defray the costs attributable to due diligence inspections, title search charges, closing costs and other similar charges associated with any such acquisition. These funds may only be expended to meet conservation and passive recreation needs, except that an amount no greater than 25 percent (or \$750,000) of said \$3,000,000 may be expended to acquire open space lands to meet active recreation needs, if such suitable parcels become available.

(The Board of Selectmen by a vote of 3-2 recommends a yes vote. The Ways and Means Committee by a vote of 5-2 supports this Article.)

This article has an estimated tax impact of \$0.17.

Article 24: Recreation Land Purchase Bond (by petition)

To see if the Town will vote to raise and appropriate the sum of six hundred twenty five thousand and 00/100 (\$625,000) (Gross Budget) to purchase a land parcel and further develop said parcel to replace Recreation Cemetery Fields, and to authorize said funds to be raised through the issuance of bonds, bond anticipation notes or serial notes therefore in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes in their judgment, and to further authorize the Selectmen to contract for and expend any Federal or State aid that may be available for this project and to further authorize interest earned on this bond to be utilized to pay for costs associated with the parcel purchase. It is contemplated that the amount to be raised by bonds or notes will be offset by available public or private grants, and other sources of donations of which the Board may become aware and in its discretion determine to accept; and the Board of Selectmen is authorized to accept such monies on behalf of the Town.

(The Board of Selectmen has a split opinion with a vote of 2-2-1. The Ways and Means Committee by a vote of 6-1 supports this Article.)

This article has an estimated tax impact of \$0.04.

Article 25: Operating Budget

To see if the Town will vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth herein, totaling \$9,760,645. Should this article be defeated the default budget shall be \$9,736,214 which is the same as last year, with certain adjustments required by previous action of the town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. This operating budget warrant article does not include appropriations contained in ANY other warrant articles.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee by a vote of 4-3 supports this Article.)

This article has an estimated tax impact of \$0.02.

Article 26: Public Health Mosquito Surveillance and Control Program

To see if the Town will vote to raise and appropriate the sum of Forty Thousand Dollars (\$40,000) to develop a Public Health Mosquito Surveillance and Control Program. This program is designed to monitor and help prevent the presence of mosquito borne vector diseases in accordance with the state of New Hampshire Arboviral Surveillance, Prevention and Control Guidelines.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.02.

Article 27: Municipal Lease to Replace Transfer Station Scale

To see if the municipality will vote to authorize the selectmen to enter into a three year lease agreement for \$61,785 for the purpose of leasing a replacement transfer station scale for the Highway Department, and to raise and appropriate the sum of \$20,595 for the first year's payment for that purpose. This lease agreement contains an escape clause. (Majority vote required).

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee by a vote of 3-4 does not support this Article.)

This article has an estimated tax impact of \$0.01.

Article 28: Submission of Fact Finder's Report Per RSA 273-A:12 (III)(a)

To see whether the Town, pursuant to RSA 273-A:12, (III)(a) will vote to accept the findings and recommendation made by the Fact Finder in the matter between the Police Department Employees Union and the Town of Amherst, which findings and recommendation related to the following listed two (2) issues are set forth below:

Issue # 1: Wages

Recommendation regarding the appropriate salary schedule to be included in the Successor Agreement:

1. *The elimination of the first step of the current salary schedule and the addition of a two percent (2%) step to the upper end of the scale;*
2. *The inclusion of a provision in the Successor Agreement which would provide that employees who are currently at the maximum step of the existing scale shall receive this two percent (2%) increase retroactive to July 1, 2009; and otherwise continue the contractual practice of allowing movement through the step scale tied to the employee's anniversary date;*
3. *The implementation of the following wage increases on the designated dates:*
 - a. *4.95 % Across the Board retroactive to July 1, 2009*
 - b. *Granting of all earned but outstanding Step increases retroactive to July 1, 2009 pursuant to the contractual practice in effect during the Previous Agreement*
 - c. *0% Across the Board increases effective July 1, 2010*
 - d. *The inclusion of a contractual provision that the Parties reopen negotiations on the sole issue of the cost of living adjustment for the third year of the contract no later than September 15, 2010.*

Issue # 2: Armored Vests:

Recommendation regarding the armored vest issue be included in the Successor Agreement:

That Article 15, Section 5, as it appears in the Parties' Previous Agreement, be modified to read as follows:

"Officers required to wear protective body armor shall be issued body armor which has a warranty period still supported by the manufacturer. Officers will not be required to wear body armor with expired manufacture warranties. Officers who detect possible defects in the body armor shall bring this defect to the attention of the Chief of Police for replacement."

(The Board of Selectmen unanimously recommends a no vote)

This article has no tax impact.

Article 29: Authorization for Optional Special Town Meeting to Consider Cost Items for Police Employees Union CBA

Shall the Town, if article #28, (above), seeking the acceptance of the fact finders report is defeated, authorize the Selectmen to call one special meeting, at its option, to address article #28, cost items only?

(The Board of Selectmen unanimously recommends a yes vote)

This article has no tax impact.

Article 30: Purchase Ambulance from Capital Reserve

To see if the Town will vote to raise and appropriate and authorize the withdrawal from the Capital Reserve Fund established for this purpose (Ambulance Fund) the sum of One Hundred Fifty Thousand Dollars (\$150,000) for the purpose of purchasing one fully equipped replacement Type I Emergency Response Ambulance, or take action relative thereto.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has no tax impact.

Article 31: Establish a Bridge Replacement Capital Reserve Fund

To see if the Town will authorize the establishment of a Capital Reserve Fund (pursuant to RSA 35), which will be known as the Bridge Replacement Capital Reserve Fund and raise and appropriate the sum of \$20,000 to be placed in this fund the purpose of which shall be to provide for the orderly replacement of bridges in the Town of Amherst and appoint the selectmen as agents to expend from the fund.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.01.

Article 32: Recreational Facilities Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of up to two hundred fifty thousand (\$250,000.00) from the unexpended fund balance (surplus), to the extent that funds are available in said fund balance, that no additional amounts are raised from

taxation, and authorize the deposit of said funds into the Recreational Facilities Capital Reserve Fund, previously established.

(The Board of Selectmen unanimously recommends a yes vote)

This article has no tax impact.

Article 33: Fire Apparatus Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand (\$150,000) Dollars, to be added to the Fire Apparatus Capital Reserve Fund, previously established, and to further appoint the Selectmen as agents to expend from this fund in accordance with RSA 35:15 II or take any action relative thereto.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.08.

Article 34: Ambulance Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of twenty-two thousand dollars (\$22,000) to be added to the Ambulance Capital Reserve Fund previously established.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.01.

Article 35: Assessing Revaluation Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to be added to the Assessing Revaluation Capital Reserve Fund previously established.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.02.

Article 36: Communications Center Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Communications Center Capital Reserve Fund previously established.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of less than \$0.01.

Article 37: Town 250th Anniversary Celebration Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Town 250th Anniversary Celebration Capital Reserve Fund previously established.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of less than \$0.01.

Article 38: Forestview Cemetery Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be added to the Forestview Cemetery Capital Reserve Fund previously established.

(The Board of Selectmen by a vote of 4-1 recommends a yes vote. The Ways and Means Committee unanimously supports this Article.)

This article has an estimated tax impact of \$0.01.

Article 39: Town Computer System Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Town Computer System Capital Reserve Fund previously established.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee by a vote of 6-1 supports this Article.)

This article has an estimated tax impact of less than \$0.01.

Article 40: Health and Human Service Agencies

To see if the Town will vote to raise and appropriate the sum of thirty five thousand dollars (\$35,000) to support the health and human service agencies which provide service to Amherst residents, the amount of the grant and identity of the receiving organization to be determined by the Selectmen as they, in their judgment, deem appropriate; said agencies to include, but not necessarily be limited to, the following: Court Appointed Special Advocates for Children; American Red Cross; Big Brothers and Sisters; Host Homes; Bridges; Nashua Community Council; Home, Health and Hospice Care; Keystone Hall; Nashua Area Health Center; Opportunity Networks; St. Joseph Community Services; Child Advocacy Center; NH Association for the Blind; Souhegan Valley Transportation Collaborative; and Souhegan Valley Interfaith Housing Corp.

(The Board of Selectmen unanimously recommends a yes vote. The Ways and Means Committee by a vote of 3-4 does not support this Article.)

This article has an estimated tax impact of \$0.02.

Article 41: Resolution to Define Marriage (by petition)

To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

Article 42: Return to Town Meeting form of Government (by petition)

Resolved that the Town of Amherst shall return to the Town Meeting form of government. Reversing the decision to move to the SB2 form of government; this to be accomplished as quickly as the legal and practical realities shall allow.

Article 43: To Create a Capital Reserve Fund for Transportation with an Additional Motor Vehicle Registration Fee (by petition)

To see if the town will vote to collect an additional motor vehicle registration fee of \$2.00 per vehicle for the purpose of supporting a municipal transportation fund for the purposes set forth in RSA 261:153 VI, and further, to vote to establish said fund which shall be a capital reserve fund established for this purpose and governed by the provisions of RSA 35. Proceeds from said fund are to be used to support eligible local transportation improvement projects, specifically public transportation, and furthermore, to appoint the Board of Selectmen as agents to expend from this Capital Reserve Fund.

The funds may be used as matching funds for state or federal funds, and shall be appropriated by the legislative body of the Town of Amherst for purposes stated in the warrant article only. The funds shall not be used to offset any other non-transportation appropriations made by the Town. The additional fee shall be collected from all vehicles, both passenger and commercial, with the exception of all terrain vehicles, as defined in RSA 215-A:1, 1-b and antique motor vehicles or motorcycles, as defined in RSA 259:4.

PROPOSED ZONING CHANGES

Article 44: Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.2 Non-conforming Uses and Non-complying Setbacks, Para. 3.2.3: by adding after "If a structure contains a non-conforming use: ...or does not comply with Zoning setbacks ... and it is damaged by fire, ..."

Article 45: Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.4 Signs, Para. 3.4.3.3.9, by deleting paragraph and moving to Subsec. 3.4.4.2.2, as new Para. 3.4.4.2.2.5, and to Subsec. 3.4.4.2.3 as new Para. 3.4.4.2.3.5.

Article 46: Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.4 Signs, Para. 3.4.4.2.2.3 by adding after "...provided that such sign does not: exceed... forty (40) square feet, ..." and also changing (a) to: Para. 3.4.4.2.2.1 and (b) to: Para 3.4.4.2.2.2.

Article 47: Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.4 Signs, Subsec. 3.4.4.2.1 Special Cases, Para. 3.4.4.2.8 by deleting sentence: "Open Flags (Deleted 3.8.94)", and adding to Subsec. 3.4.3.3 a new para: Para. 3.4.3.3.17 *In the Business Sign District, one non-illuminated "OPEN" flag may be displayed for each separate business unit. No name, logo, or lettering other than the word "OPEN" may be displayed on such flags. Open flags may be displayed at the building during business hours and must be displayed at*

the building entrance. Open flags shall be no more than three (3) feet in height and six (6) feet in length. Flag colors are limited to standard, non-fluorescent red, white, and blue.

Article 48: Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.7 Building Regulations, Para. 3.7.1 by deleting sentence and changing to: See New Hampshire Building Code.

Article 49: Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.14 Renewable Energy Systems, Para. 3.14.1 by deleting "...more than 5KW but...".

Article 50: Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.15 Home Occupations, Subsec. 3.15.6 Prohibited Uses, Para. 3.15.6.8 by deleting entire paragraph and adding Daycare facilities larger than a maximum of six (6) children.

Article 51: Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.18 Conditional Use Permits, Subsec. 3.18.3 Standards Applicable to All Conditional Use Permits, Para. 3.18.3.1.5 by deleting the last sentence shown in parenthesis.

Article 52: Are you in favor of the adoption of Amendment No. 9 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. IV Zoning Regulations, Sec. 4.3 Residential / Rural Zone, Subsec. 4.3.1 Permitted Uses, Para. 4.3.1.9 by deleting paragraph. Sec. 4.4 Northern Transitional Zone, Subsec. 4.4.2 Permitted Uses, Para. 4.4.2.8 by deleting paragraph. Sec. 4.5 Northern Rural Zone, Subsec. 4.5.2 Permitted Uses, Para. 4.5.2.9 by deleting paragraph.

Article 53: Are you in favor of the adoption of Amendment No. 10 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. VI Administration, Sec. 6.2 Building Permits, Certificates of Occupancy, Earth Removal Permits, Subsec. 6.2.1 Building Permits, Para. 6.2.1.1 by deleting "...all building and health laws and Ordinances." and adding "...the Amherst Water Pollution Control Regulations and the New Hampshire Building Code."
Sec. 6.2 Building Permits, Certificates of Occupancy, Earth Removal Permits, Subsec. 6.2.8 Second paragraph, by changing "...residential..." to "non-residential".
Sec. 6.8 Penalty by deleting ...\$ 100 (one hundred dollars)... and adding "... \$ 275 (two hundred and seventy five dollars) ...".

Article 54: Are you in favor of the adoption of Amendment No. 11 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would:

Revise Art. III General Zoning Provisions, Sec. 3.4 Signs, Subsec. 3.4.1 Definitions by adding a new definition: **Event-Specific Sign: A temporary sign used to announce an event such as a festival, parade, dance, meeting, church or club-sponsored event or tournament, or appearance by a political candidate or other speaker.**

Article 55: Are you in favor of the adoption of Amendment No. 12 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III General Zoning Provisions, Sec. 3.4 Signs, Para. 3.4.3.3.9 by adding a new Para: **Para. 3.4.3.3.9.1 One (1) off-premises directional sign for the purpose of directing the public to an "OPEN HOUSE." Such sign may not exceed four (4) square feet of sign surface area. Messages must include the words "Open House" and shall be otherwise limited to name/address or identification, arrow or direction, and distance. Off-premises directional signs may be erected no earlier than one (1) day prior to the "OPEN HOUSE" and must be removed by the end of the day the "OPEN HOUSE" ends.**

Article 56: Are you in favor of the adoption of Amendment No. 13 as proposed by the Planning Board for the Town Zoning Ordinance which amendment, if adopted, would: Revise Art. III, General Zoning Provisions, Sec. 3.4 Signs, Subsec. 3.4.4 Sign Standards, Para. 3.4.4.1 by adding a new Para: **Para. 3.4.4.1.1 Temporary Signs for Activities or Events: Event-Specific Signs are permitted for display for a period not to exceed fifteen (15) days and must be removed at the end of the event. Event-Specific Signs must have permission of the property owner and receive a permit from the Zoning Office. Event-Specific advertising signs may not exceed twenty (20) square feet of surface area, and no more than two (2) such signs may be permitted for any event. In addition, up to ten (10) off-premises directional signs, not to exceed two (2) square feet per sign, may be permitted.**

Given under our hands and seal this 11th day of January 2010.

George Infanti, Chairman
Thomas Grella, Vice Chairman
Bruce Bowler

A true copy of Warrant – ATTEST

George Infanti, Chairman
Thomas Grella, Vice Chairman
Bruce Bowler